

NINTH DAY.

Senate Chamber,
Austin, Texas,
October 24, 1934.

The Senate met at 11 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Edgar E. Witt.

The roll disclosed a quorum, the following Senators being present:

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Greer.	Redditt.
Hopkins.	Sanderford.
Hornsby.	Small.
Martin.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Neal.	Woodward.
Oneal.	

Absent—Excused.

Fellbaum.	Regan.
Holbrook.	

Prayer by the Chaplain.

On motion of Senator Woodruff, further reading of the Journal was dispensed with.

Senators Excused.

Senators Holbrook and Regan were excused on account of important business on motion of Senator Sanderford.

Petitions and Memorials.

(See Appendix.)

Senate Bill No. 3.

Senator Hornsby called from the table S. B. No. 3.

S. B. No. 3, A bill to be entitled "An Act to amend Article 7336, Revised Civil Statutes of 1925, as amended by Chapter 117, Acts Forty-second Legislature, providing the time when ad valorem and poll taxes shall become due and when they shall become delinquent; providing penalty for non-payment of said taxes and for interest thereon; providing that current ad valorem taxes hereafter paid in full in October or November next succeeding the return of the assessment rolls of the county to the Comptroller of Public Ac-

counts shall be discounted two per cent and that current ad valorem taxes hereafter paid in December of the year next succeeding the return of the assessment rolls of the county to the Comptroller of Public Accounts shall be discounted one per cent; providing for payment of one-half of current ad valorem taxes on or before November 30th and one-half of same on or before June 30th, both said dates of the year next succeeding the return of the assessment rolls of the county to the Comptroller of Public Accounts, and providing penalty for failure or refusal to pay last one-half; providing for graduated penalty on all current taxes not paid on February 1st, 1935, and on current taxes not paid on February 1st of each year thereafter; and providing for the releasing of the interest and penalties on all delinquent ad valorem and poll taxes that were delinquent on or before July 1, 1934, due the State, any county, common school district, road district, levee improvement district, water improvement district and water control and improvement district, irrigation district and other defined subdivisions of the State provided same are paid on or before February 28, 1935, with the addition of (1%) one per cent penalty on said taxes; provided said taxes are paid after February 28, 1935, and on or before March 31, 1935, with an addition of two (2%) per cent penalty on said taxes; and provided said taxes are paid after March 31, 1935, and on or before April 30, 1935, with an addition of four (4%) per cent penalty on said taxes; and provided that said taxes are paid after April 30, 1935, and on or before May 31, 1935, with an addition of six (6%) per cent penalty on said taxes; and provided that said taxes are paid after May 31, 1935, and on or before June 30, 1935, with an addition of eight (8%) per cent penalty on said taxes; and providing further that this Act releasing penalties and interest shall not apply to cities, towns, and villages, and special school districts, and independent school districts unless and until the governing body thereof finds that unusual or excessive default in the payment of ad valorem and poll taxes has occurred, and that an extension of time for the payment of said ad valorem and poll

taxes will accelerate the payment thereof; and such governing body has adopted a resolution, or ordinance, evidencing such finding, and upon the recording of such findings of fact, shall have the authority to put in force and effect the provisions hereof as to any such city, town, or village, or special school district or independent school district; providing methods of assessing, collecting and distributing penalties and interest; providing form and time delinquent report shall be made by tax collector; providing that the Comptroller of Public Accounts shall prescribe forms for tax rolls to be used by the county tax assessors and collectors of taxes; providing that all laws in conflict with this Act are repealed; and declaring an emergency."

Senator Hornsby sent up the following amendment:

Amend Senate Bill No. 3 by striking out Section 1 of said bill and inserting in lieu thereof the following:

Section 1. On and after January 1, 1935, ad valorem taxes shall be assessed and levied in such a way

(1) that such taxes, if entirely paid during the month of October of the year for which such taxes are assessed, will be ninety-seven (97%) per cent of the amount that such taxes would be if paid after the expiration of said year; and

(2) that such taxes, if entirely paid during the month of November of the year for which such taxes are assessed, will be ninety-eight (98%) per cent of the amount that such taxes would be if paid after the expiration of said year; and

(3) that such taxes, if entirely paid during the month of December of the year for which such taxes are assessed, will be ninety-nine (99%) per cent of the amount that such taxes would be if paid after the expiration of said year.

HORNSBY.

The amendment was adopted.

Motion to Lay on Table.

Senator Hornsby moved to lay S. B. No. 3 on the table subject to call.

The motion prevailed.

S. C. R. No. 3.

Senator Deberry called up the following resolution:

S. C. R. No. 3, Requesting the Governor of Texas to furnish to the Legislature the names of the one hundred four members of the House of Representatives who expressed themselves in favor of the session, the names of the thirty-six opposed, and the names of the ten neutral; and also the names of the nineteen Senators who favored another session, the names of the nine who were against it, and the two who were not found for a statement.

Senator DeBerry made a motion to print S. C. R. No. 3 on the minority report.

The motion by Senator DeBerry lost by the following vote

Yeas—7.

Blackert.	Oneal.
Collie.	Pace.
DeBerry.	Poage.
Moore.	

Nays—14.

Duggan.	Purl.
Greer.	Rawlings.
Hornsby.	Redditt.
Martin.	Sanderford.
Neal.	Woodruff.
Parr.	Woodul.
Patton.	Woodward.

Absent.

Beck.	Murphy.
Cousins.	Small.
Hopkins.	Stone.

Absent—Excused.

Fellbaum.	Regan.
Holbrook.	

Senate Bill No. 11.

The Chair laid before the Senate on its second reading the following bill:

S. B. No. 11. A bill to be entitled "An Act to aid the city of Palacios and the village of Collegeport, both situated in Commissioner's Precinct Number 3 of Matagorda County, Texas, in constructing and maintaining seawalls, break-waters and shore protection, in order to protect said city and village from calamitous overflows by donating to them eight-ninth (8/9) of the ad valorem taxes collected on all property, both real and personal, in Commissioner's Precinct Number 3 of Matagorda County Texas, for a period of thirty (30)

years; providing for a commission to construct such seawalls, break-waters and short protection; providing for compensation of the members of said commission; providing a penalty for misapplication of the moneys thus donated; and validating all proceedings and bonds authorized and/or issued under Chapter 61, Acts of the First Called Session of the Forty-third Legislature; and declaring an emergency."

Senator Woodul explained the bill.

Senator Oneal sent up the following amendment:

Amend S. B. No. 11 by adding after the word "Texas" and before the word "which" in the last sentence of Section 1 the words:

"As it now exists."

ONEAL.

The amendment was adopted.

The committee report recommending that the bill be printed was adopted by unanimous consent.

The bill was read second time and passed to engrossment by viva voce vote.

On motion of Senator Woodul the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 11 was put on its third reading and final passage by the following vote:

Yeas—23.

Beck.	Parr.
Blackert.	Patton.
Cousins.	Poage.
Duggan.	Purl.
Greer.	Rawlings.
Hopkins.	Redditt.
Hornsby.	Sanderford.
Martin.	Stone.
Moore.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.
Pace.	

Nays—2.

Collie.	DeBerry.
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Absent.

Murphy.	Small.
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Absent—Excused.

Fellbaum.	Regan.
Holbrook.	

Read third time and finally passed by the following vote:

Yeas—21.

Beck.	Poage.
Cousins.	Purl.
Duggan.	Rawlings.
Greer.	Redditt.
Hopkins.	Sanderford.
Hornsby.	Small.
Martin.	Stone.
Moore.	Woodruff.
Neal.	Woodul.
Parr.	Woodward.
Patton.	

Nays—5.

Blackert.	Oneal.
Collie.	Pace.
DeBerry.	

Absent.

Murphy.

Absent—Excused.

Fellbaum.	Regan.
Holbrook.	

Record of Vote.

Senator Woodruff and Rawlings asked unanimous consent to change their vote from "nay" to "yea" on S. B. No. 11, to make the bill immediately effective.

Appointment.

The Chair, Lieutenant Governor Edgar E. Witt, appointed Senator Rawlings on the Contingent Expenses Committee to succeed Senator Russek resigned.

Senate Bill No. 10.

The Chair laid before the Senate on its second reading the following bill:

S. B. No. 10, A bill to be entitled "An Act amending Section 1 of Chapter 130, Acts of the Regular Session of the Forty-third Legislature so as to provide for the issuance of revenue bonds by cities and towns which have assumed the control of the public schools within their boundaries and to amend Section 3 by providing that any bonds issued shall be payable from the net revenues of the project after payment of operating and maintenance charges, and declaring an emergency."

The bill was read the second time and laid on the table subject to call.

Appointment on Conference Committee.

The Chair, Lieutenant Governor Edgar E. Witt, appointed Senator Moore to succeed Senator Oneal, resigned, on Conference Committee on H. B. No. 7.

Adjournment.

On motion of Senator Rawlings the Senate at 12:07 p. m., adjourned until 10 o'clock a. m., Thursday.

APPENDIX.

Petitions and Memorials.

(Card of Thanks.)

The family of
I. W. CULP

will hold in grateful remembrance your kind expression of sympathy.

TENTH DAY.

Senate Chamber,
Austin, Texas,
October 25, 1934.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Edgar E. Witt.

The roll disclosed a quorum, the following Senators being present:

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hopkins.	Sanderford.
Hornsby.	Small.
Martin.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Neal.	Woodward.
Oneal.	

Absent—Excused.

Fellbaum.

Prayer by the Chaplain.

On motion of Senator Woodward, further reading of the Journal was dispensed with.

Committee Reports.

(See Appendix.)

Bills and Resolutions.

House Bill No. 6.

The Chair laid before the Senate on its second reading the following bill:

H. B. No. 6, A bill to be entitled "An Act releasing interest and penalties on ad valorem and poll taxes that were delinquent on or before October 1, 1934, due the State, any county, common school district, road district, levee improvement district, water improvement district, water control and improvement district, irrigation district, and other defined subdivisions of the State, provided same are paid on or before January 31, 1935; provided said taxes are paid during the month of February, 1935, with an addition of one per cent (1%) penalty thereon; provided said taxes are paid during the month of March, 1935, with an addition of two per cent (2%) penalty thereon; provided said taxes are paid during the month of April, 1935, with an addition of three per cent (3%) penalty thereon; etc., and declaring an emergency"

The bill was read.

The committee amendment was read.

Senator Redditt moved the adoption of the committee amendment.

The committee amendment was adopted by a viva voce vote.

Senator Redditt sent up the following amendment to H. B. No. 6.

Amend H. B. No. 6 by striking out all below the enacting clause and insert in lieu thereof the following:

Section 1. On and after January 1, 1935, ad valorem taxes shall be assessed and levied in such a way

(1) that such taxes, if entirely paid during the month of October of the year for which such taxes are assessed, will be ninety-seven (97%) per cent of the amount that such taxes would be if paid after the expiration of said year; and

(2) that such taxes, if entirely paid during the month of November of the year for which such taxes are assessed, will be ninety-eight (98%) per cent of the amount that such taxes would be if paid after the expiration of said year; and

(3) that such taxes, if entirely paid during the month of December of the year for which such taxes are assessed, will be ninety-nine